

Rory T. Kay (NSBN 12416)
John A. Fortin (NSBN 15221)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
Telephone: (702) 873-4100
rkay@mcdonaldcarano.com
jfortin@mcdonaldcarano.com

*Attorneys for Defendant
Aylo Premium Ltd*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELISSA HUTCHISON aka PHOENIX
MARIE, an individual,,

Plaintiff,

v.

ETHICAL CAPITAL PARTNERS, a foreign
entity; AYLO PREMIUM LTD., a foreign
corporation; DM PRODUCTIONS, a foreign
entity; DIGITAL PLAYGROUND, a foreign
entity; MIND GEEK USA
INCORPORATED, a foreign entity; MG
PREMIUM LTD, a foreign entity; DM
PRODUCTIONS, a foreign entity; DIGITAL
PLAYGROUND, a foreign entity; DANNY
MARTIN aka DANNY D, an individual;
FRANK PETOSA an individual; RYAN
HOGAN, an individual; MICHAEL
WOODSIDE, an individual; and DOES 1
through 50,,

Defendants.

Case No. 2:24-cv-00673-GMN-BNW

**STIPULATION AND ORDER STAYING
ALL STATUTORY AND PROCEDURAL
DEADLINES FOR DEFENDANT AYLO
PREMIUM LTD**

AND

**STIPULATION AND ORDER
EXTENDING PLAINTIFF'S TIME TO
RESPOND TO DEFENDANT AYLO
PREMIUM LTD'S MOTION TO DISMISS**

AND

**STIPULATION AND ORDER
EXTENDING DEFENDANT AYLO
PREMIUM LTD'S REPLY BRIEF**

(FIRST REQUEST)

Under LR IA 6-1 and 6-2 and LR 7-1, Plaintiff Melissa Hutchison aka Phoenix Marie ("Plaintiff") and Defendant Aylo Premium Ltd ("Aylo"), by and through their attorneys, hereby agree and stipulate to the following:

1. On February 15, 2024, Plaintiff filed a Complaint in the Eighth Judicial District Court, Case No. A-24-887250-C, naming twelve defendants, including Defendants Frank Petosa, Michael Woodside, and Ryan Hogan (the "Removing Defendants").

MCDONALD  **CARANO**
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

2. On April 5, 2024, the Removing Defendants filed a Notice of Removal to this Court. [ECF No. 1].

3. The Removing Defendants served Notice of Removal on Plaintiff's counsel on April 9, 2024.

4. On May 3, 2024, Plaintiff filed her First Amended Complaint ("FAC"). [ECF No. 9].

5. On May 31, 2024, the Removing Defendants accepted service of the summons and complaint. [ECF No. 12].

6. On July 1, 2024, the Removing Defendants filed their Motion to Dismiss the FAC. [ECF No. 13].

7. Therein, the Removing Defendants made several jurisdictional arguments. *See id.*

8. On July 15, 2024, after the Removing Defendants and Plaintiff stipulated, the Court ordered all statutory and procedural deadlines stayed under Nevada law, the Fed. R. Civ. P., and the Court's local rules as to the Removing Defendants until the Court resolves the pending motion to dismiss. [ECF No. 16].

9. The Parties stipulated, and the Court Ordered a 24-day extension until August 23, 2024, for Aylo to file its responsive pleading. [ECF No. 22].

10. On August 23, 2024, Aylo, filed its motion to dismiss and raised several jurisdictional arguments. [ECF No. 27].

11. The Parties have met and conferred regarding Aylo's Motion and they each agree that the matter meets Nevada's three-part requirement for a stay to all deadlines in this matter pending the outcome of Aylo's Motion. *See Kor Media Grp. LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013); *see also Turner Broad Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 555-56 (D. Nev. 1997).

12. As such, the Parties stipulate and agree to stay all statutory and procedural deadlines under Nevada law, the Fed. R. Civ. P., and the Court's local rules as to Aylo until the Court resolves the pending motion to dismiss.

///

///

1 13. In addition to stipulating and agreeing to stay all deadlines, the Parties stipulated and
2 agreed to a seven (7) day extension (i.e., September 13, 2024) for Plaintiff to file an opposition to
3 Aylo's Motion.

4 14. The Parties likewise stipulated and agreed to a seven (7) day extension (i.e.,
5 September 27, 2023) for Aylo to reply to Plaintiff's opposition.

6 15. This is the first request to extend the deadline for Plaintiff to oppose Aylo's motion
7 to dismiss and this is the first request to extend the deadline for Aylo to file a reply brief.

8 16. These requests for extensions of time is not intended to cause any delay or prejudice
9 any party.

10 Dated this 5th day of September, 2024.

11 **McDONALD CARANO LLP**

12 **KERR SIMPSON ATTORNEYS AT
13 LAW**

14 By: /s/ Rory T. Kay
15 Rory T. Kay (NSBN 12416)
16 John A. Fortin (NSBN 15221)
17 2300 West Sahara Avenue, Suite 1200
18 Las Vegas, Nevada 89102

19 By: /s/ George E. Robinson
20 P. Sterling Kerr, Esq. (NSBN 3978)
21 George E. Robinson (NSBN 9667)
22 2900 W. Horizon Ridge Pkwy. Suite 200
23 Henderson, Nevada 89052

24 *Attorneys for Defendants*
25 *Aylo Premium Ltd*

26 *Attorneys for Plaintiff Melissa Hutchison aka*
27 *Phoenix Marie*

28 **IT IS SO ORDERED.**

UNITED STATES DISTRICT JUDGE

DATED: September 6, 2024